

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BAYER HEALTHCARE AG, ALCON, INC.,)
and ALCON MANUFACTURING, LTD.,)
Plaintiff,)
v.) C.A. No. 06-234-SLR
TEVA PHARMACEUTICALS USA, INC.,)
Defendant.)

**NOTICE OF FED.R.CIV.P. 30(b)(6)
DEPOSITION OF BAYER HEALTHCARE, AG**

TO:

Frederick L. Cottrell III, Esquire
Jeffrey L. Moyer, Esquire
Anne Shea Gaza, Esquire
Richards, Layton & Finger, P.A.
One Rodney Square
920 North King Street
Wilmington, Delaware 19801

Bruce R. Genderson, Esquire
Adam L. Perlman, Esquire
Aaron P. Maurer, Esquire
David I. Berl, Esquire
Dov P. Grossman, Esquire
Williams & Connolly LLP
725 Twelfth Street, N.W.
Washington, DC 20005

You are hereby advised that defendant Teva Pharmaceuticals USA, Inc. pursuant to Fed. R. Civ. P. Rule 30(b)(6), will take the deposition of Bayer Healthcare AG at such place and time as may be agreed upon by counsel and continuing from day to day thereafter until completed. The deposition will be recorded stenographically and may be videotaped. One or more of defendant's counsel may appear telephonically. The deponent is not a natural person. Pursuant to Fed. R. Civ. P. 30(b)(6), Bayer Healthcare AG is required to designate one or more persons to testify at the deposition as to the matters known or reasonably available to Bayer Healthcare AG concerning all topics set forth on the attached Appendix A.

April 5, 2007

THE BAYARD FIRM

/s/ Richard D. Kirk (rk0922)

Richard D. Kirk (#0922)
Ashley B. Stitzer (#3891)
222 Delaware Avenue, Suite 900
P.O. Box 25130
Wilmington, DE 19899-5130
rkirk@bayardfirm.com
astitzer@bayardfirm.com
(302) 655-5000

Counsel for Defendant,
TEVA PHARMACEUTICALS USA, INC.

OF COUNSEL:

Bruce M. Gagala, Esquire
M. Daniel Hefner, Esquire
Brian A. Garcia, Esquire
Leydig, Voit & Mayer, Ltd.
Two Prudential Plaza, Suite 4900
Chicago, IL 60601

**Appendix A
Topics for Bayer Deposition
Pursuant to Fed.R.Civ.P. 30(b)(6)**

As identified in Plaintiffs Disclosure of Individuals Pursuant to Paragraph 1 of the Court's Scheduling Order for Uwe Petersen:

1. The conception and reduction to practice of the inventions claimed in U.S. Patent Nos. 4,990,517 and 5,607,942 (collectively, "the Bayer patents");
2. The preparation (including resolution), testing, and properties of various compounds, both within and outside of the claims of the Bayer patents;
3. The preparation and/or prosecution of the patent applications that led to the Bayer patents and/or other applications which are relevant or asserted to be relevant to this matter; and
4. Objective indicia of nonobviousness.

In addition:

5. The Declaration signed by Klaus-Dieter Bremm and filed by Bayer in the prosecution of the patent applications that led to the Bayer patents and/or other applications which are relevant or asserted to be relevant to this matter; and
6. Patents, publications and literature known to Bayer during the preparation and/or prosecution of the patent applications that led to the Bayer patents and/or other applications which are relevant or asserted to be relevant to this matter.

CERTIFICATE OF SERVICE

The undersigned counsel certifies that, on April 5, 2007, he electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send automatic notification of the filing to the following:

Frederick L. Cottrell III, Esquire
Jeffrey L. Moyer, Esquire
Anne Shea Gaza, Esquire
Richards, Layton & Finger, P.A.
One Rodney Square
920 North King Street
Wilmington, Delaware 19801

The undersigned counsel further certifies that, on April 5, 2007, copies of the foregoing document were sent by email and hand to the above local counsel and by email and first class mail to the following non-registered participant:

Bruce R. Genderson, Esquire
Adam L. Perlman, Esquire
Dov P. Grossman, Esquire
David I. Berl, Esquire
Aaron P. Maurer, Esquire
Williams and Connolly
725 Twelfth Street, N.W.
Washington, D.C. 20005

/s/ Richard D. Kirk (rk0922)
Richard D. Kirk